

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MANETIRONY CLERVRAIN and
MEDGINE SARAH JEAN,

Plaintiffs,

v.

Case No.: 2:22-cv-44-SPC-MRM

KAREN E. RUSHING, TODD
NEWTON, JEFFREY R. SMITH,
JOHN A. TOMASINO, CLAYTON
O. ROOKS, III , STEVE LAND,
TARA S. GREEN, STACEY M.
BUTTERFIELD, KEVIN MADOK,
JAY PICHARD, MARIO GARZA,
ANGELA PRIMIANO, LARRY D.
HART, DAWN HANSON, MONICA
CEPERO, LIBBY FARMER,
KENYETTA MOYE, DARRICK D.
MCGHEE, VIVIAN MYRTETUS,
PAMELA PAYNE, TANYA
WALTON PRATT, SARAH EVANS
BARKER, RICHARD L. YOUNG,
JANE E. MAGNUS-STINSON,
JAMES R. SWEENEY, II , JAMES
PATRICK HANION, TIM A
BAKER, DEBRA MCVICKER
LYNCH, MARK J. DINSMORE,
MATTHEW P. BROOKMAN,
DORIS L. PRYOR, MARIO
GARCIA, CRAIG M. MCKEE, VAN
T. WILLIS, RICHARD A.
ROBINSON, ANDREW J.
MCDONALD, GREGORY T.
D'AURIA, RAHEEN L. MULLINS,
MARIA ARAUJO KAHN, STEVEN
D. ECKER, CHRISTINE E.
KELLER, COLLINS J. SEITZ, JR. ,

GARY F. TRAYNOR, KAREN L.
VALIHURA, JAMES T. VAUGHN,
JR. , TAMMIKA R. MONTGOMERY-
REEVES, MICHAEL P. BOGGS,
DAVID E. NAHMIAS, NELS
PETERSON, CHARLIE BETHEL,
JOHN ELINGTON, CARLA W.
MCMILLIAN, SARAH WARREN,
SHAWN ELLEN LAGRUA,
VERDA COLVIN, MARK E.
RECKTENWALD, PAULA A.
NAKAYAMA, SABRINA S.
MCKENNA, MICHAEL D.
WILSON, TODD W. EDDINS,
KATE M. FOX, MICHAEL K.
DAVIS, KEITH G. KAUTZ,
LYNNE BOOMGAARDEN, and
KARI GRAY,

Defendants.

OPINION AND ORDER¹

Plaintiffs, proceeding pro se, instituted this action against sixty-five Defendants, which include several government officials, by filing a “Complaint for Violation of Civil Rights” form. ([Doc. 1](#)). Plaintiffs move to proceed in forma pauperis and claim to be owed over \$60 billion dollars because of actions by the Defendants stemming from Clervrain’s former incarceration. ([Docs. 2, 15](#)).

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink’s availability and functionality, and a failed hyperlink does not affect this Order.

This case is one of many Clervrain has filed, both in this Court and throughout the country. *See Clervrain v. Lee et al.*, No. 6:21-mc-108-WWB-LRH ([Doc. 22](#)) (noting that Clervrain has filed over 100 federal cases); *Clervrain v. Toutman et al.*, No. 8:20-mc-28-T-35SPF (M.D. Fla. Apr. 24, 2020) ([Doc. 3](#)) (recognizing that Clervrain is a frequent federal court filer). Both cases were dismissed as frivolous. This case is no different.

Under [28 U.S.C. § 1915\(a\)](#), the Court may authorize a civil suit to proceed without requiring a plaintiff to prepay the filing fee, but it must also dismiss a case if at any time it determines that the action is frivolous. *See § 1915(e)(2)*. An action is frivolous if the allegations are clearly baseless, fanciful, fantastic, delusional, or “without argument or merit in either law or fact.” *See Neitzke v. Williams*, [490 U.S. 319, 324 \(1989\)](#) (internal quotations omitted). Frivolity fits the bill here.

Plaintiffs’ Complaint is largely unintelligible. Although it purports to bring claims under [Section 1983](#) and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, [403 U.S. 388 \(1971\)](#), it isn’t clear how the named Defendants are liable for any actions they took. Just like a Complaint recently dismissed as frivolous by District Judge Wendy Berger, Clervrain calls himself “the Activist,” alleges violations of non-existent statutes such as “The Ant Act (“TAA”),” “The Ant(s) Movement Act (“TAMA”),” and “The Ant(s) Duty Mitigating Act (“TADMA”), and refers to genocide, apartheid, and an alleged

conspiracy. (Doc. 1 at 5-9). See *Clervrain v. Lee et al.*, No. 6:21-mc-108-WWB-LRH.

Even liberally reading the Complaint, Plaintiffs' claims are frivolous and due to be dismissed. They are baseless, irrational, and incredible. And based on the fanciful allegations, no amount of amendment could resuscitate the claims. See *Howard v. Memnon*, 572 F. App'x 692, 696-97 (11th Cir. 2014) ("If a more carefully drafted complaint could not state a claim, then dismissal is proper."). Dismissing the cases should not surprise Plaintiff. He filed identical suits throughout the country. And all met the same result: dismissal as frivolous. See, e.g., *Clervrain v. Bingman*, No. CIV-21-675-R, 2021 WL 3686691, at *2 (W.D. Okla. July 12, 2021); *Clervrain v. Lee*, No. 3:20-cv-548-TAV-DCP, 2021 WL 141793, at *1-2 (E.D. Tenn. Jan. 14, 2021); *Clervrain v. Dunleavy*, No. 3:20-cv-00279-RRB, 2021 WL 3847121, at *1-2 (D. Alaska Aug. 27, 2021). This Court will follow suit.

Accordingly, it is now

ORDERED:

1. The motions to proceed without paying the filing fee (Docs. 2, 15) are **DENIED**.
2. The Complaint (Doc. 1) is **DISMISSED WITH PREJUDICE**.
3. The Clerk is **DIRECTED** to enter judgment accordingly and **CLOSE** the case.

DONE and **ORDERED** in Fort Myers, Florida on April 13, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record